

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE ARTURO LARA-SOTELO.

Defendant.

8:06CR248

ORDER

This matter is before the court on defendant's Motion to Sever and Request for Evidentiary Hearing and Oral Argument [34]. Hearing and argument were granted in the matter and held on October 12, 2006. Nancy A. Svoboda, Assistant U.S. Attorney represented the government. Jeffrey L. Thomas, Assistant Federal Public Defender, represented the defendant, who was present. The government informed the court and the defendant, on the record, that the government conceded the Motion to Sever as the statements made by the co-defendant in the case could not be redacted to eliminate constitutional issues.

IT IS ORDERED:

1. Defendant's Motion to Sever [34] is granted and his trial is severed from the trial of his co-defendants.
2. Pursuant to NELR 72.3, a party wishing to appeal this order may file a "Statement of Appeal of Magistrate Judge's Order" within ten (10) days after being served with a copy of the order. The statement of appeal shall set forth specifically the order or portion thereof appealed from and the basis of the appeal. The appealing party must also file a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law.

DATED this 12th day of October, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge